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Remarks

SEP 14 2006

Reconsideration of this patent application is respectfully requested, particularly as herein amended.

Before turning to the merits of the Office Action of June 27, 2006, the undersigned would like to acknowledge an interview which was conducted with the Examiner by telephone on August 24, 2006. During this interview, the rejection of independent claim 18 based on the cited patent to Padiak et al. was discussed, and the undersigned was provided with a further explanation of how Padiak et al. was being applied to independent claim 18. The undersigned would like to thank the Examiner for the courtesy of this interview, and for the clarification which was provided.

Turning to the merits of the Office Action of June 27, 2006, claim 30 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for reciting a bracket "separated from" the associated fixture. In reply, this has been clarified by reciting a bracket which is "spaced from" the fixture, to overcome the stated rejection. Although not included in the rejection formulated under 35 U.S.C. §112, second paragraph, a similar amendment has been made to dependent claim 31, which included a similar recitation of structural elements.

Claims 1 to 5, 9 to 13 and 17 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,182,546 (Raymond). In reply, independent claim 1 has been

amended to recite a locking mechanism which has a "manually retractable" tip movably coupled with the flange of the second plate. Antecedent basis for this amendment is found in the original specification, at lines 8 to 11 of page 5. This is to be distinguished from the latches 15 of Raymond, which are said to be "slidably mounted" in the housings 12 (see, lines 53 to 55, left column, of page 1 of Raymond). Accordingly, there is no disclosure by Raymond of a manually retractable locking mechanism, as is recited in applicants' claims 1 to 5, 9 to 13 and 17, overcoming the stated rejection under 35 U.S.C. §102(b).

Raymond also does not disclose "a flange extending from a longitudinal edge of the surface of the second plate", as is recited in applicants' claims, but rather positions the angled bracket 10 along a lateral edge of the leaf 3, relative to the hinge 6, 7 (see, Fig. 4 of Raymond).

Moreover, because the latches 15 of Raymond are received in housings 12 having a "closed outer end 13" (see, lines 51 and 52, left column, of page 1 of Raymond), the engagement of structures associated with the latches 15 is precluded, preventing manual retraction of the latches 15. Raymond further indicates that the "latches 15 may be easily cammed by the latch member 19... and thus provide for opening of the door 2 under a slight pull exerted thereagainst" (see, lines 26 to 30, right column, of page 1 of Raymond). This is structurally inconsistent with a manually retractable locking mechanism, providing further support for the patentability of

applicants' claims.

Claims 18 to 24, and also claims 25 and 27 to 29, have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,079,081 (Padiak et al.). During the interview, the Examiner indicated that Padiak et al. was being read as the disclosure of a rack (the shelf system 10) having a plurality of supports (the posts 18) which define a region for containing a plurality of components. The interior of the shelf system was read to constitute a first region, where components could be freely accessed, and the door 12 was read to define a second region which, relative to the exterior of the shelf system, was of limited access.

It is submitted that such a reading of Padiak et al. is precluded by language which was included in claim 18, which indicated that the second portions of the region for receiving the plurality of components (the area of limited access) was defined by "the supports of the rack". This, in turn, established the interior of the rack as the region for receiving the plurality of components, including both the freely accessible first portions and the second portions of limited access, which differed from the shelf system of Padiak et al.

Nevertheless, and in furtherance of discussions with the Examiner during the telephone interview of August 24, 2006, claim 18 has been amended to more clearly define the several regions established by the plurality of supports which comprise the rack. To this end, an "interior" region for receiving the

plurality of components is now defined "between the plurality of supports". Antecedent basis for this amendment is found in the original specification, at line 9 of page 7, combined with the background description provided at lines 14 to 22 of page 1.

As a result, both the recited first portions and second portions are located in this interior region. When the door of Padiak et al. is open, interior regions of the shelf system can be freely accessed. However, when the door of Padiak et al. is closed, there is no portion of the interior region of the shelf system that can be freely accessed. Consequently, there is no mode of operation corresponding to applicants' claimed mode of operation. Reconsideration and withdrawal of the rejection of claims based on Padiak et al. is, therefore, respectfully requested.

Claims 1, 10 and 30 to 32 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 1,898,562 (More). As previously indicated, independent claim 1 has been amended to recite a locking mechanism which has a "manually retractable" tip movably coupled with the flange of the second plate. This is to be distinguished from the tip 14 (the pin i) of More, which can rotate relative to the flange 12 (the hinge e) but which is not manually retractable and movably coupled with the flange 12 (the hinge e) of More. Accordingly, there is no disclosure by More of a manually retractable locking mechanism which is movably coupled with the flange that receives it, as is recited in applicants' claims 1, 10 and 30 to 32, overcoming the

stated rejection under 35 U.S.C. §102(b).

More also does not disclose "a flange extending from a longitudinal edge of the surface of the second plate", as is recited in applicants' claims, but rather positions the hinged connection e along a lateral edge of the hinge plate d, relative to the hinge barrels and pin (see, Fig. 2 and Fig. 4 of More).

More also does not disclose "selective engagement of the component received by the first plate", as is recited in applicants' claims, as is suggested in the Office Action at the bottom of page 6. Rather, in More, the pin i is received in a keeper j which continuously engages the pin i (through the slot k shown in Fig. 3 of More).

Moreover, because the pin i of More is received in a keeper j (see, lines 80 to 82 of page 1 of More) which, as shown in Fig. 3, fully encloses the pin i, manual engagement of the pin i is precluded, preventing manual operation of the pin i. More further indicates that the "latch member is readily disengageable by merely giving the door a quick pull, without any manipulation of the door holder itself" (see, lines 3 to 6 of page 2 of More). This is structurally inconsistent with a manually retractable locking mechanism, providing further support for the patentability of applicants' claims.

Claims 6 and 14 have been rejected under 35 U.S.C. §103(a) as being unpatentable over a proposed combination of Raymond with the previously cited U.S. Patent No. 6,523,223 (Wang). It is acknowledged that Raymond does not disclose the

claimed notch; however, the position is taken that it would have been obvious to one of ordinary skill in the art at the time the present invention was made to provide the first plate of the hinge of Raymond with the notch of Wang. A motivation for this combination was to have been offered in the Office Action, but appears to have been deleted in its processing.

Nevertheless, no motivation can be found for such a combination when it is considered that placing a notch along the edge of the leaf 4 of Raymond (or the leaf 3) would compromise the structural integrity of the flange 5 which is attached to the leaf 4 of Raymond (or the leaf 3), as well as the latch member 19 which is attached to the leaf 4 (or the angled bracket 10 which is attached to the leaf 3). Rather, it is submitted that this would teach away from the combination which is proposed, to avoid the compromise in structural integrity which would then result.

Consequently, there would have been no motivation for the person of ordinary skill in the art at the time the present invention was made to combine the teachings of Raymond and Wang. Reconsideration and withdrawal of the rejection of claims 6 and 14 as being unpatentable over the proposed combination of Raymond and Wang is, therefore, respectfully requested.

Page 8 of the Office Action (toward the middle of the page) takes the position that "[w]ith regard to the 35 U.S.C. 103 rejections based on Raymond in view of Wang, the modification of a hinge with the notch as disclosed in the Wang reference is taken as admitted prior art...." In view of the foregoing, this

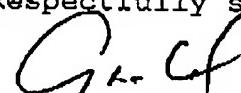
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position is respectfully traversed.

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Accordingly, it is submitted that this application is in condition for allowance and corresponding action is earnestly solicited.

Respectfully submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 571-273-8300) on: September 14, 2006.

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